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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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8 NORTHWEST SHEET METAL WORKERS
9 WELFARE FUND; NORTHWEST SHEET
10 METAL WORKERS PENSION FUND;
11 NORTHWEST SHEET METAL WORKERS
12 SUPPLEMENTAL PENSION TRUST;

13 Plaintiffs,
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15 v.
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17 ADVANCED THERMAL SOLUTIONS,
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19 Defendant.

11 No.
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**COMPLAINT FOR INJUNCTIVE
RELIEF**

JURISDICTION AND VENUE

1. This is an action brought pursuant to Section 301 of the National Labor Relations
Act, as amended (hereafter "the Act"), 29 U.S.C. § 185, and Section 502 of the Employee
Retirement Income Security Act of 1974 (hereafter "ERISA"), 29 U.S.C. § 1132. Jurisdiction
and venue are conferred upon this Court by 29 U.S.C. § 185(a), 1132(a), (e) and (f).

PARTIES

2. Plaintiff NORTHWEST SHEET METAL WORKERS WELFARE FUND
(hereafter "Welfare Trust") is a labor-management health and welfare trust fund created pursuant
to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its

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1 own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Welfare Fund is
2 administered in the State of Washington.

3 3. Plaintiff NORTHWEST SHEET METAL WORKERS PENSION FUND
4 (hereafter “Pension Trust”) is a labor-management pension trust fund created pursuant to the
5 provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its own
6 name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Pension Fund is
7 administered in the State of Washington.

8 4. Plaintiff NORTHWEST SHEET METAL WORKERS SUPPLEMENTAL
9 PENSION TRUST (hereafter “Supplemental Pension Trust”) is a labor-management pension
10 trust fund created pursuant to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c),
11 and authorized to sue in its own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1).
12 Plaintiff Pension Fund is administered in the State of Washington.

13 5. Defendant ADVANCED THERMAL SOLUTIONS (“Defendant”), is a sheet
14 metal contractor and is a party to a collective bargaining agreement with Sheet Metal Workers
15 Local Union 103 (“Local 103”). Local 103 is a labor organization. It represents for purposes of
16 collective bargaining persons who are employed in the construction industry. That industry
17 affects commerce within the meaning of the Act. Defendant has employed or does employ
18 persons represented by Local 103. Defendant's principal place of business is 4980 Yesness Ct.,
19 Casper, WY 82604.

21 **CLAIM FOR RELIEF**

22 6. Plaintiffs incorporate by reference as though set forth fully herein paragraphs 1
23 through 8 above.

24 7. The collective bargaining agreement between Defendant and Local 103 was in
25 effect at all times material hereto. By that agreement Defendant became obligated to make
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1 monthly contributions to plaintiffs Welfare, Pension, and Supplemental Pension Trusts on behalf
2 of employees represented by Local 103.

3 8. Payments due to the Welfare, Pension, and Supplemental Pension Trusts are
4 calculated pursuant to a contribution reporting form required to be prepared monthly by
5 Defendant.

6 9. The completed contribution reporting form and accompanying payment are due at
7 the Welfare office and address within fifteen (15) days after the end of each calendar month and
8 are considered delinquent if not received within 20 days after the end of each calendar month.

9 10. By virtue of its collective bargaining agreement and/or relevant trust agreements,
10 Defendant is further required to submit to audits of payroll records at the request of the Plaintiffs.
11 For the period beginning January 2014 and continuing to the present, Defendant has refused to
12 comply with the audit process.

14 11. The dollar amount due plaintiffs cannot be ascertained without reviewing
15 Defendant's employment records for the period in question.

16 12. Unless ordered by this Court, Defendant will continue to refuse to comply with
17 the audit process. As a result, plaintiffs will be irreparably damaged.

18 13. In addition to compliance with the audit process, plaintiffs are entitled to the
19 following pursuant to Section 502(g) of ERISA, 29 U.S.C. § 1132(g), and Section 301 of the
20 Act, 29 U.S.C. § 185, as amended:

21 (a) Reasonable attorneys' fees and the costs of this action.

23 14. A copy of this complaint will be served upon the Secretary of Labor and the
24 Secretary of the Treasury by certified mail as required by ERISA, 29 U.S.C. § 1132(h).

25 WHEREFORE, plaintiffs demand judgment against the Defendant:

26 1. Obligating Defendant to comply with the audit process;

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2. Restraining and enjoining Defendant, its officers, agents, servants, attorneys, and all persons acting on its behalf or in conjunction with it from: refusing to comply with the audit process;

3. Requiring Defendant to pay to plaintiffs reasonable attorneys' fees and the costs of this action as set forth in Section 502(g) of ERISA 29 U.S.C. § 1132(g); and

4. Granting plaintiffs such further and other relief as may be just and proper.

DATED this 23rd day of September, 2016.

s/Daniel Hutzenbiler

Daniel Hutzenbiler, WSBA No. 36938

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Attorney for Plaintiffs

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